

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

ROBERT D. BELUE, et al.,

Plaintiffs,)
v.) **CASE NO.: CV06-1034-WKW**
GENERAL ELECTRIC, et al.,)
Defendants.)

MOTION TO DISMISS AND/OR MOTION FOR MORE DEFINITE STATEMENT

Defendant General Electric Company (“General Electric”) moves this Court for a motion to dismiss pursuant to Rules 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure. Alternatively, General Electric moves this Court for an order pursuant to 12(e) of the Federal Rules of Civil Procedure directing the plaintiffs to replead the vague allegations asserted against it in the complaint in a manner that complies with Rule 8(a) of the Federal Rules of Civil Procedure. In support of this motion, General Electric submits the following:

1. The Complaint is barred by the applicable statute of limitations.
2. Venue is improper in this Court.
3. The Complaint is barred by the applicable statute of limitations.
4. The Complaint is barred by res judicata and/or collateral estoppel principles.
5. The Complaint fails to meet the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure inasmuch as the Complaint is devoid of any specific allegations of wrongdoing levied against General Electric at any specific point in time. Accordingly, the Complaint as presently pled, is so vague and ambiguous that this defendant cannot reasonably be

required to frame a responsive pleading as required by Rule 12 (e) of the Federal Rules of Civil Procedure.

WHEREFORE, premises considered, defendant General Electric respectfully moves this Court to enter an Order dismissing the complaint against it and/or alternatively to enter an Order directing the plaintiffs to re-plead the Complaint with specific factual allegations which would put this defendant on notice of the wrongdoing alleged against them and the time and place at which said alleged wrongful conduct occurred.

s/ Jenelle R. Evans

One of the Attorneys for Defendant,
General Electric Company

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel who are CM/ECF participants, and I hereby certify that I have mailed by United States Postal Service the document to non-CM/ECF participants.

Respectfully submitted,

s/ Jenelle R. Evans
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